8659274/2024/VIG-VI-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public services - Surprise Check conducted by Anti Corruption Bureau on O/o Executive Engineer, RWS&S (P) Division, Vijayawada on 11.01.2021 - Departmental Proceedings against Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis under the provisions of Rule 20 of AP Civil Services (CCA) Rules, 1991 - Articles of Charge – Issued

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PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Rt.No.185

Date:26/02/2024

Read the following:-

1. Radio Message, dt:12.01.2021 from the Addl.SP , ACB, Vijayawada Range, Krishna District.
2. Govt. Memo. No.1332739/Vig.VI/2021, dt:10.08.2021.
3. From the DG, ACB Rc No. 03/DES-VK1/2021-S9, dt:06.04.2023.

Order :-

It is proposed to hold an inquiry against Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis in accordance with the procedure laid down in Rule 20 of the APCS (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis is directed to submit within 10 days of the receipt of this Memorandum a written statement of her defence.

4. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore specifically admit or deny each articles of charge.

5. Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis is further informed that if she does not submit her written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 20 of the APCS (CCA) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against her exparte, based on the material available on record.

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6. Attention of Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall being or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from any person in respect of any matter dealt within these Proceedings, it will be presumed that Smt. M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis is aware of such a representation and that it has been made at her instance and action will be taken against him for violation of Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of the proceedings shall be acknowledged along with Annexure-I, II, III & IV.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
M. Nageswaramma, the Superintendent, O/o Engineer-in-Chief, Vijayawada, on OD basis (w.e) through the Engineer-in- Chief, RWS&S, Vijayawada.
The Engineer-in-Chief, Rural Water Supply & Sanitation Department, Vijayawada (with a request to serve the Charged Officer with dated acknowledgement and send the same for record)

Copy to
The PR&RD(Est.II) Dept.
The Director General, Anti Corruption Bureau,, AP., Vijayawada.
The Secretary to Vigilance Commission, APVC, Velagapudi.

// FORWARDED :: BY ORDER //

SECTION OFFICER

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ANNEXURE–I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SMT. M NAGESWARAMMA, THE SUPERINTENDENT, O/O ENGINEER-IN-CHIEF, VIJAYAWADA, ON OD BASIS

That Smt. M Nageswaramma (hereinafter referred as Government Servant (GS)) worked as Superintendent, RWS & S Division, Vijayawada from 01-05-2010 to 24.08.2020 while working as Superintendent, RWS & S (P) Division, Vijayawada she committed grave misconduct in as much as.

CHARGE :

That the Govt. Servant Smt. M Nageswaramma not maintained all the records in the O/o Executive Engineer, Rural Water Supply & Sanitation Division, Vijayawada and neglected to deposit the EMD in the official account intime and not deducted GST, IT from the bills which were paid to the contractors, and did not scrutiny the work bills while preparing payments.

Thus, the Government Servant Smt. M. Nageswaramma, the then Superintendent, RWS&S Division, Vijayawada by her above-mentioned acts has exhibited a lack of integrity, devotion to duty and conduct unbecoming of a Government Servant, showed gross negligence and thereby violated/ contravened the AP Public works Department codes and AP Public Accounts Department codes and violated/ contravened Rule 3 (1), 3 (2) & of A.P. Civil Services (Conduct) Rules, 1964.

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

(Contd.P-4)

ANNEXURE–II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SMT. M NAGESWARAMMA, THE SUPERINTENDENT, O/O ENGINEER-IN-CHIEF, VIJAYAWADA, ON OD BASIS

That Smt. M. Nageswaramma (hereinafter referred to as Government Servant (GS)), worked as Superintendent, RWS&S Division, Vijayawada from 01-05-2010 to 24.08.2020. Her date of birth is 10-09-1963. Her native place is Vijayawada. She entered into Government service on 09-01-1987 as Typist at RR Workshop, Vijayawada. She was promoted as Senior Assistant on 08-07-1995. She was promoted as Superintendent on 30-04-2010.She will retire from service on attaining the age of superannuation on 30-09-2025.

CHARGE :

That the Government Servant Smt. M Nageswaramma not maintained all the records in the O/o Executive Engineer, Rural Water Supply & Sanitation Division, Vijayawada and neglected to deposit the EMD in the official account intime and not deducted GST, IT from the bills which were paid to the contractors, and did not scrutiny the work bills while preparing payments.

1. FACTS & EVIDENAE:

On credible information that the officials of the office of the Executive Engineer, Rural Water Supply & Sanitation, Project Division, Vijayawada, are indulging in corrupt practices and not maintaining records properly, a surprise check was conducted on 11-01-2021 from 12.00 hrs, to 23.30 hrs, on the office of Executive Engineer, RWS&S, (P) Division, Vijayawada, by the DSPs, ACB., Vijayawada Range, Vijayawada, their staff along with the two official mediators, namely, 1) Sri Kancherla Ambedkar, Assistant Audit Officer and 2) Sri Pulapaka Vijaya Bhaskara Rao, Senior Auditor, O/o the Assistant Audit Officer, State Audit (MPP), Maahilipatnam, Krishna District

The following officials were present at the time of the surprise check in the O/o Executive Engineer, RWS&S, Project Division, Vijayawada.

EMPLOYEES:

1) Sri Potharlanka Ramakrishna, Superintendent Establishment & Works.
2) Sri K. Nochan Kumar S/o K. Eeswara Rao, Junior Assistant, Account Branch.
3) Sri Thokala Raghu, S/o T. Ramalingaiah, 40 Yrs, Office Sub-Ordinate.
4) Smt. Gottiparthi Lakshmi W/o G.Sriramulu, 58 Yrs, Helper.
5) Smt. Kosanam Rajya Lakshmi W/o K.Bose Babu, 37 Yrs, Dispatch Alerk.

(Contd.P-5)

6) Sri Buluguri Atchaiah S/o Muttaiah, 58 Yrs, Office Sub-Ordinate.
7) Smt. Kolli Anitha W/o Somasekhara Rao, 57 Yrs, Senior Assistant R/o Vijayawada.
8) Sri Yeruva Anil Kumar Reddy S/o Govinda Reddy, 35 YRs, Typist.
9) Sri Arepalli Venkata Naga Saritha, Site Engineer (Contract Basis).
10) Sri Yalagandula Sunith Kumar S/o Venkata Ramana, 31 Yrs, DEO.
11) Kum. Tolapu Bharathi D/o Mahesh, 30 Yrs, DEO.
12) Smt. Kurapati Ramadevi W/o Ravikumar, 45 Yrs.
13) Sri Vanguru Yakshith S/o Devadas, 23 Yrs, DEO.
14) Smt. Merugu Sravanthi W/o Krishnarao, 42 Yrs, Assistant Executive Engineer.
15) Smt. Kathirisetti Sujatha W/o Satish Babu, 38 Yrs, Assistant Executive Engineer.

In addition to the above staff, it is identified that the below-mentioned persons who are also employees of RWS&S are also present in the office premises and the details of them are as follows;

1) Sri Sole Ravikanth S/o Rajarao, 43 Yrs, Office Sub-Ordinate, RWS&S,SE circle Office, Vijayawada.
2) Sri Nimmakuri Krishna Kishore S/o late Nagabhushanam, 52 Yrs, Assistant Executive Engineer, RWS&S, Kanchikacherla Mandal
3) Sri Gugulothu Gobriya S/o Rekhaiah, 50 Yrs, Junior Technical Officer, RWS&S, Tiruvuru.

Then the Inspector asked the office superintendent about the Executive Engineer who is the incharge of the office. Then he stated that Sri D.Sainath is the Executive Engineer, Rural Water Supply & Sanitation, Project Division, Vijayawada, he is on Casual Leave on 11.01.2021, 12.01.2021 and permission on 9th, 10th, 13th to 15th January 2021 and he has obtained AL from Engineer-in-Chief, to go to Delhi on his personal work. Then the Inspector asked the office Superintendent about the incharge of Executive Engineer, then he stated that the Engineer-in-Chief has allotted as incharge to this office. Then the Inspector asked the office Superintendent Who is the next 2nd-level officer in the office? Then the Superintendent stated that the Manager/Divisional Accounts Officer Sri B.Srinivasa Rao is on ELFP from 01.10.2020 to 30.11.2020 and further he did not return to the office. At present Sri Bellamkonda Srinivasa Vara Prasad, DAO, Panahayat Raj Division, Vijayawada is the inaharge DAO to the O/o EE, RWS&S. Then the Inspector requested to make a call to i/c DAO to attend the O/o EE, RWS&S, Project Division, Vijayawada. After a few minutes, the Superintendent who made a call to i/c DAO informed that the i/c DAO is on A.L. for 11.01.2021. The Inspector also enquired about Superintending Engineer and it is learned that Sri D.Sainath, Executive Engineer, RWS&S, Project Division is the in-charge of SE, RWS&S, Circle Vijayawada.

(Contd.P-6)

During the Surprise check, two persons entered into the O/o EE RWS&S, Project Division, Vijayawada, and when the Inspector asked them, they stated that they are the contractors of RWS&S works. Then the Inspector asked them about their arrival at that time, then they stated that they came to the office to consult the EE, about their pending bills, further, the Inspector requested them to express their opinion over the performance of the employees of the O/o EE, RWS&S, Project Division and recorded the statement of Sri Movva Subhakar, a contractor in detail as follows.

Sri Movva Subhakar S/o Hemadri Rao, aged 49 Yrs, R/o D.No.6- 123/A, near Hanuman Temple, Nidamanuru (V), Vijayawada Rural Mandal:

On examination, he stated that he is doing contract works of RWS&S since 8 years, and he had a Class-IV contractor license. In the year 2020 he got allotted the work at Damuluru (V) Ibrahimpatnam Mandal through nomination basis for Rs.4,30,000/- and made payment through CFMS. But when he is requesting to return the EMD amount of Rs.10,700/- they are not paying the same.

Later he has done contract work for RO Plant and shed at Kachavaram (V) of Ibrahimpatnam (M) and completed the work in time and the EE, not paying the amount of Rs.6,48,000/- within time. The Inspector asked the Junior Assistant K. Nochan Kumar to produce the above 4 vouchers along with Cash Book. The Junior Assistant produced the above 4 vouchers along with Cash Book. One of the mediators verified the 4 vouchers and found the following lapses.

1) Cheque No. 656824 of SBI for Rs. 5,32,288/- dt: 28-07-2018.

It is observed that the amount was paid towards the purchase of a new system for implementation of e-office/ CFMS etc. vide bill no. VJA1819/12212, dt: 28-07-2018, CGST and SGST were paid to the contractor as per the Voucher produced by him. Whereas Income Tax was not deducted from the contractor. An amount of Rs. 5,322/- to be deducted as Income Tax which is a loss to the Government.

2) Cheque No. 642198 of SBI for Rs. 50,600/- dt: 18-08-2018

It is observed that the amount was paid towards the purchase of Birla Care Putti in RWS&S (P) Division, Vijayawada vide voucher 25 dt:18-08- 2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 506/- is to be deducted as Income Tax which is a loss to the Government.

(Contd.P-7)

3) .Cheque No. 566559 of SBI for Rs. 68,700/- dt:27-08-2018 It is observed that the amount was paid towards the purchase of Labour Charges of Renovation in RWS&S (P), Vijayawada vide Voucher No. 07 of 18-19 dt:7-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 687/- is to be deducted as Income Tax which is a loss to the Government

4) Cheque No. 566557 of SBI for Rs. 45,020/- dt:21-08-2018

It is observed that the amount was paid towards the purchase of Painting materials in RWS&S (P) Division Vijayawada vide Voucher No. 05 of 18-19 dt:21-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs.450/- is to be deducted as Income Tax which is a loss to the Government.

On verification, it is observed that Sri M. Subhakar was entrusted a work by name "Replacement of Drinking water pipeline in SA area segment of Damuluru Village, Ibrahimpatnam Mandal, the estimated value was Rs. 4,78,937/- .

While awarding the work to the contractor, the contractor deposited Rs. 10,700/- as EMD (Earnest Money Deposit) vide DD. No 335581, dt:06-05-2020. While verification deposit Register AA No. 31643002610, page no. 30 dt:06-06-2020 After completion of the work the final Bill made with 5% deduction was in respect of EMD and FSD (Further Security Deposit). But EMD was already deposited while awarding the work. So it is found that EMD was deducted twice. The same was pointed out by the contractor and represented on 22-06-2020 to refund the EMD of Rs. 10,700/-. But till date, the refund was not made good to the contractor. It is concluded that a delay in payment was observed.

The Inspector seized the Cash Books 1) 20040108101-SBI Bhaskara Raopeta T.S.C. General O/o Executive Engineer, RWS&S Dept (P) Division, Vijayawada 2) Deposits A/A No. 31643002610 Register.

During the enquiry, the following witnesses and recorded their statements as follows.

1. **Sri Kancherla Ambedkar, Assistant Audit Officer State Audit (MPP), Machilipatnam, Krishna District. (Mediator-I).**

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS&S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

(Contd.P-8)

2. **Sri Pulapaka Vijaya Bhaskara Rao, Senior Auditor, O/o the Assistant Audit Officer, State Audit (MPP), Machilipatnam, Krishna Dist. (Mediator-II).**

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS&S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

3. **Statement of Sri D. Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS&S, Vijayawada Circle.**

He is working as Superintendent Engineer, RWS&S, Krishna Circle since 22.8.2022. as per the request of ACB officials today he attended the office of DSP, ACB, Vijayawada, and stated the following contents regarding to the surprise check proceedings dated:11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada.

On perusal of the files, it is observed that the Replacement of the Drinking water pipe lane of SC is segmented .1, Damuluru village, Ibrahimpatnam (M) of estimated Cost Rs. 5,00,000/- under CMDF grant. The work was administratively sanctioned on 06.3.2020 and the agreement was concluded by the EE. on 9.5.2020, the work was executed by Sri M. Subhakar, VWA village works committee, Damuluru. In this agreement towards earnest money deposit (EMD) was paid by the agency Sri M. Subhakar vide DD No. 335581 dt:6.5.2020 to EE, RWS&S, Vijayawada Division in favour of EE, RWS &S, Vijayawada Division, Whereas the payments were made through PAO for CMDF Grant. During payment, the PAO was deducted from the payment of EMD, even though EMD was paid by the agency. In this regard, the EE had to deposit in favour of PAO duly drawing the deposit amount of Rs. 10,700/-which was already paid by the agency and deposited in the SBI account and reference page No. 4 of Passbook, SBI, Bhaskararaopeta, Vijayawada. Divisional Accounts officer and Superintendent. are responsible for the bank transactions in the Division.

CASH BOOK - NRDWP Funds: only one cash book is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program as per accountancy procedure. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020.

BANK ACCOUNT- NRDWP: only one bank account is operating for both 3 % AND 5% NRDWP support funds instead of separate bank accounts for each program as per accountancy procedure.

CASH BOOK -O&M: Two bank accounts are maintained for the O&M program (Axis Bank and SBI) instead of one account.

Staff Movement Register: being maintained only from 01-09-

(Contd.P-9)

2020 before that not maintained by the Establishment section Kumar Jr. Asst.

Administrative Sanction Registers: not updated for the years 2018- 2019 and 2019-2020 by the Merugu Sravanthi, Asst. Executive Engineer, Drawing Branch, O/o EE, RWS, Vijayawada Division.

Charge not handover to superintendent O/o the E.E, RWS&S (P) Vijayawada: Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE, RWS&S (P) Vijayawada on 16-12-2020, but the charge of the post of superintendent was still not handed over to him by the Sri K.Nochan Kumar, Jr. Assistant, As Such Sri P. Rama Krishna, Superintendent was kept idle without any work entrustment authentically. Sri K.Noahan Kumar, Jr. Asst is internally not handed over the Superintendent Charge to newly joined Superintendent. Sri P. Rama Krishna. The Sri BVNSV Prasad, Divisional Accounts officer also failed to supervise office procedures.

Certain Statutory Recoveries/ Deductions Like I.T, GST, EMD Etc - Violations:

INAOME TAX: on random verification, it is observed that income tax was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT:28.07.2018. An amount of Rs.5,322/- is not deducted as of 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government. Sri BVNSV Prasad, Divisional Accounts Officer, and Smt. M. Nageswaramma, Supdt. O/o EE, RWS is responsible for this irregularity

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of office of EE, RWS&S, Vijayawada Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. Sri BVNSV Prasad, Divisional Accounts officer, and K. Nochan Kumar, Jr. Asst. and Smt M. Nageswaramma, Supdt. are responsible for these irregularities.

EMD: on random verification, it is observed that a refund of the EMD of Rs.10,700/- was not made to the contractor even after due representation by the contractor in the execution of work "REPLAAEMENT OF DRINKING WATER PIPE LINE IN SA AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 4,78,937/-). The DD. No.335581 dt:6.5.2020 of SBI, Nidamanuru Branch was handed over by contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by Superintendent Smt Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the contractor on 13.08.2021.

4. **Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o**

(Contd.P-10)

Veerabhadraiah, age 57 yrs, Executive Engineer, RWS&S (Projects) Division, Vijayawada.

On examination, he stated that he is working as Executive Engineer, Engineer, RWS&S, Vijayawada Division (Project) since 01.08.2021. He stated that the contents regarding the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & Sanitation, Project Division, Vijayawada. He further corroborated LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects.

5. **Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (DAO works) O/o EE, Panchayat Raj & Rural Development, Vijayawada Division.**

He is working as Divisional Accounts Officer (DAO), O/o Executive Engineer, Panchayat Raj & Rural Development, Vijayawada Division since 01.07.2022 and FAC to the post of Divisional Accounts Officer (DAO- W) Engineer, RWS&S, Vijayawada Division (Project) since 17.08.2022. He further stated the following contents regarding the surprise check dated:11.01.2021 of ACB, Vijayawada in their office.

CASH BOOK - NRDWP Funds: Only one Cash book is maintained for both 3 % AND 5% NRDWP support funds. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020. Sri BVNSV. Prasad, Divisional Accounts Officer, and Smt. M. Nageswaramma, Supdt. is responsible for these irregularities.

BANK ACCOUNT- NRDWP: As per procedure only one bank account is operating for both 3 % AND 5% NRDWP support funds for each program as per the accountancy procedure.

CASH BOOK -O & M: Two bank accounts are maintained for the O & M program (Axis Bank and SBI) for 14th & 15th finance commission funds and Pay and accounts payments.

Staff Movement Register: Being maintained only from 01-09-2020 prior to that not maintained by the Establishment section Sri K. Nochan Kumar Jr. Asst.

Charge not handover to superintendent o/o the E.E RWS&S (P) Vijayawada: Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE, RWS & S (P) Vijayawada on 16-12-2020. But the charge of the post of superintendent was still not handed over to him by the Sri K.Nochan Kumar, Jr. Assistant, As Such Sri P. Rama Krishna, Superintendent was kept idle without any work entrustment authentically.

Certain Statutory Recoveries/ Deductions Like I.T, GST, EMD Etc -Violations:

(Contd.P-11)

INAOME TAX: On random verification, it is observed that income tax was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT:28.07.2018. as per the reply of Smt. M. Nageswaramma, Supdt. an amount of Rs.5,322/- is not deducted as of 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of the office of EE, RWS&S, Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. Sri D. Sainath, EE, Sri BVNSV. Prasad, Divisional Accounts officer, Smt M. Nageswaramma, Supdt, and K. Nochan Kumar, Jr. Asst. and. Are responsible for these irregularities.

EMD: On random verification, it is observed that a refund of the EMD of Rs.10,700/- was not made to the contractor even after due representation by the contractor in the execution of work "REPLAAEMENT OF DRINKING WATER PIPE LINE IN SA AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 5,00,000/-). The DD. No.335581 dt:6.5.2020 of SBI, Nidamanuru Branch was handed over by contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by the Divisional Accounts officer and Superintendent Smt. Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the contractor on 13.08.2021.

6. Statement of Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV Contractor, RWS&S Department.

On examination, he stated that he is doing contract work of RWS&S since about 8 years, and he had a Class-IV Contractor license. In the year 2020 he got allotted the work at Damuluru (V) Ibrahimpatnam Mandal through nomination basis for Rs.4,30,000/-and made payment through CFMS. EMD of Rs.10,700/- was not made to him even after due representation by the Contractor in the execution of the work "REPLAAEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 5,00,000/-). The DD. No.335581 dt:6.5.2020 of SBI, Nidamanuru Branch was handed over by Contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by the Divisional Accounts officer and Superintendent Smt. Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the Contractor on 13.08.2021.

INAOME TAX: income tax was not deducted from him towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. as per the reply of Smt.M. Nageswaramma, Supdt. An amount of Rs.5,322/- is not deducted as on 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.

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7. **Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada.**

On examination, he stated that he is working as an office Sudpt. In the O/o EE, RWS & S, Project Division, Vijayawada since 16.12.2020. presently Sri D. Sainadh is working as Executive Engineer, RWS&S, Project Division, Vijayawada. While he was present in the office at about 12.30 hrs on 11.01.2021, the AAB officials of Vijayawada are conducting the Surprise Check in their office. ACB officials verified the records relating to "New SVS SC Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other official records and seized some records for their enquiry. At present, four Data Entry operators are working in their Division office.

8. **Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS&S, Project Division, Vijayawada.**

On examination, she stated that since 13.01.2020 she has been working as a typist/ Dispatch clerk in the O/o EE, RWS&S, Project Division, Vijayawada, and she was selected on compensative grounds. Now she is doing the work of dispatch clerk as per the instructions of EE, RWS&S, Project Division, Vijayawada. Today i.e 11.01.2021 at about 12.30 hrs ACB officials of Vijayawada are conducting the Surprise Check in their office while she was present in the office, etc, facts.

During the enquiry, obtained service particulars and Job Charts of the suspect officers, jurisdiction, and tenure of officers and staff of the RWS&S, Vijayawada Division responsible for the above irregularities and documents related to the enquiry.

Thus the Government. Servant Smt. M Nageswaramma not maintained the following records as per procedures and violated procedures.

1)The contractor Sri Subhakar who has executed the work of "REPLAAEMENT OF DRINKING WATER PIPE LINE IN SA AREA SEGMENT OF DAMULURU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 4,78,937/-) which is administratively sanctioned on 06.3.2020, the contractor handed over the EMD Rs. 10,700/- vide DD. No.335581 dt:6.5.2020 of SBI, Nidamanuru Branch to O/o EE, RWS for the above work, and the agreement was concluded by the E.E on 9.5.2020, it is not remitted in the official account in time by (GS), and the EMD amount was deducted from the contractor, later the amount of Rs. 10,700/- paid to the contractor after surprise check of ACB on 13.08.2021.

2). CASH BOOK - NRDWP Funds: Only one cash book is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program as per accountancy procedure. Reconciliation was not done for both 3% and 5% NRDWP support funds for the year 2019-2020.

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3). BANK ACCOUNT- NRDWP: Only one bank account is operating for both 3 % AND 5% NRDWP support funds instead of separate bank accounts for each program as per accountancy procedure. 4)CASH BOOK -O & M: Two bank accounts are maintained for the O & M program (Axis Bank and SBI) instead of one account. 5)GS was not scuritinised the bills/ vouchers while making payments for the work of renovation of O/o Executive Engineer, RWS & S, Vijayawada Division which is exceeding Rs.5.00 lakhs work (it should be invited through E-Procurement Platform) and violated the existing Rules, which may cause for un-due favour to the contractors and corresponding loss to Govt. Exchequer. Government Servant is responsible for preparing the bills and cheques for these renovation works. 6)INAOME TAX: on random verification, it is observed that income tax was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of Rs.5,322/- is not deducted as on 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of office of EE, RWS & S, Vijayawada Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, AGST and SGST were not paid, and also income tax was not deducted.

The Government Servant Smt. M. Nageswaramma the then Superintendent by her above-mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and contravened the AP Public works Dept. Codes and AP Public Accounts Dept. codes and violated/ contravened Rule 3 (1), 3 (2) & of A.P. Civil Services (Conduct) Rules, 1964. Hence the charges.

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES AGAINST SMT. M. NAGESWARAMMA, THE SUPERINTENDENT, O/O ENGINEER-IN-CHIEF, VIJAYAWADA, ON OD BASIS

The following documentary evidence is available on record.

1.	**Surprise Cheak Proaeedings** conducted on **11.01.2021** at O/o Executive Engineer, RWS & S, Vijayawada Division.	It was drafted by the independent official mediators and shows the facts that were taken place during the Surprise check and seizure of registers and documents at the O/o Executive Engineer, RWS & S, Gudiwada Division.
2.	Attested copy of **CASH BOOK - NRDWP Funds:**	It reveals the Register is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program i.e Water quality monitoring labs and other office expenditure (OOE) and Data entry operators charges as per accountanay procedure. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020. Data Entry operator's salaries, power charges, internet charges, and Hire vehicles charges are mentioned in this book.
3.	Attested copy of **NRDWP Register** from 01.04.2016 to 19.11.2020 (100 sheets)	Nation Rural Drinking water program work bill payments are mentioned in this book. It observed that in page No.76 mentioned that Rs. 19,39,448/- was paid to Sri Garapati constructions for the "New SVS at Housing colony of Kotthuru Tadepalli village, Vijayawada Rural (M). GST paid details also mentioned in this book.
4.	Attested copy of Deposits A/C No. 31643002610 Register,	This book is maintained for contractors' Entrustment of Money deposits & Further Security Deposit (EMD/ FSDs) and refund of deposits are mentioned in this book. it shows that the contractor Sri M.Subhakar who executed the work of "REPLACEMENT OF DRINKING WATER PIPE LINE IN SA AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 4,78,937/-) handed over the DD. No.335581 dt.

(Contd.P-15)

		6.5.2020 of SBI, Nidamanuru Branch to O/o EE, RWS for the above work, it is not remitted to the official account in time, and the **EMD amount was deducted from the contraator, later the amount of Rs. 10,700/-** paid to the contractor after surprise check of ACB on 13.08.2021.
5.	Attested copy of Cash Book -O & M:	On perusal of the book, two bank accounts are maintained for the O & M program (Axis bank and SBI) instead of one account.
6.	Staff Movement Register:	On perusal of the Register, it is being maintained only from 01-09-2020 prior to that not maintained by the Establishment section Kumar Jr. Asst
7.	Measurement Book No. 102A/RWS/P/VJA/2018-2019 of O/o Executive Engineer, RWS & S (P) Division, Vijayawada	It reveals that Sri D. Sainath, EE E.E, RWS & S (P) Division, Vijayawada has made payment for 5 data entry operators as against the permission accorded for 2 data entry operators to the Division office vide Proceedings No. RWS-budget/2012, DT.21.05.2012 of Engineer In Chief, RWS & S.
8.	Reply of Smt M. Nageswaramma, Supdt. RWS & S, Vijayawada division to EE, RWS, Vijayawada dt 10.01.2023	It reveals that she was **not deduated the IT amount Rs. 5823/- from the bill** due to oversight after the ACB Check on 23.2.2021 the amount was paid to IT INAOME TAX: IT **was not deducted** from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of Rs.5,322/- is not deducted as on 01.11.2021
9.	Proceeding vide Memo No. A1/ 786/ 5% NRDWP/ 2018 Dt. 10.05.2018 of Superintending Engineer, RWS & S, Vijayawada Circle. And two original note files regarding agreements with SRR Constructions and Sri G.Seshukumar, contractor, Nandigama and original LR. RA.No. T2 Data Entry operators/2019 dt. 16.02.2019 Inspection reports of SE, RWS	On perusal of the inspection reports of 2018-19, and 2019-20, the then SE, RWS & S Circle, Vijayawada in his observation mentioned that the E.E, RWS & S (P) Division, Vijayawada has **made payment for 5-Data Entry Operators as against the permission accorded for 2-Data Entry Operators to the Division Office**. As per Proceeding No. RWS-Budget/2012, Dt.21.05.2012 of the SO & Engineer in Chief, RWS & S, Hyderabad has accorded

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	& S, Circle, Vijayawada for the years 2018-19 & 2019-20 and file relating to payment for 5-Data Entry Operators.	permission for 2 Nos. of data entry operators only to the division office. But during the surprise check it is observed that as on date 4-Data entry operators (1) K.Ramadevi, 2), T.Bharathi, 3) Y.Snith Kumar, and 4) V.Yakshith are still working in the O/o EE, RWS & S, Project Division as Data Entry Operators.
10.	Attested copy of Memo No. 68/ FI (2) /2006-1 dt. 10.01.2006 of Finance (works & projects) Department, Govt. of AP	It reveals that an **extension of time may not exist as of** the date of payments. (EOAT). (Did not pay the final payment to the contractors while EOAT is pending.)
11.	Air. Memo No. AE2/DEE1/ 1966/Inspections/2018 dt. 19.11.2020 of O/o Chief Engineer, RWS & S, V & QA, Gollapudi, Vijayawada and GO RT NO. 1562 Dt. 5.10.2013 of PR & R (RWS.II.A) Dept.	It reveals that a final quality control check is compulsory on every work in RWS S Dept.
12.	Attested copy of GO MS No. 61 dt. 01.04.2014 of PR & R (PROGS.IA) Dept.	It reveals that above Rs. 5 lakhs contract works will be allotted through e-procurement or tender basis only
13.	Lr.No. A1/ AAB/Service Particulars /2020 dt 25.01.2021 of S.E, RWS&S Airale, Vijayawada and Lr. Ra.No. A1/SE/RWS & S/2022 Dt. 18.01.2023 of SE, RWS & S Circle, Vijayawada	It disclosed the **Job chart** of the officials/SOs of SE and the O/o EE, RWS & S Division Gudivada
14.	Rule III -7 under Article- 125 of AP Financial Code Volume-I R/w G.O.Ms. No. 258, Dt.20.09.2013 of Finance (TFR) Department, Govt. of AP,	mandates materials/stores costing more than Rs.1,00,000 shall be procured through the e-procurement platform only,
15.	Attested copy of Reply submitted to SE, RWS, Vijayawada circle by Sri K. Nochan Kumar, Jr. Asst. RWS S, Vijayawada Division dt. 10.01.2023	It reveals that SO-1 Sri. D. Sainadh, EE, RWS, Vijayawada took away the office renovation file from his custody after ACB check and was not handed over to him till 31.01.2021.
16.	Signed Statement of Sri D.Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle,	It discloses **the violations/irregularities in the O/o EE, RWS Division Vijayawada and irregularities in the office records.**
17.	Signed Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive	it corroborates the statement of LW.16

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	Engineer, RWS & S (Projects) Division, Vijayawada, R/o Rythupeta, Nandigama, NTR Dist. Aell No. 9440147970.	
18.	Signed Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts offiaer (works) O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division	it corroborates the statement of LW.16
19.	Signed Statement of Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Alass IV aontraator, RWS & S Department, R/o D. No. 6-123/a, Near Hanuman Temple, Nidamanuru village, Vijayawada Rural, NTR Dist. Cell No. 9848632757.	➢ He is working as a class IV contractor, he received the payment through SBI Cheque No. 656824 for Rs. 5,32,288/- dt. 9.8.2018, SBI cheque No. 642198, Rs. 50,600/- dt. 9.9.2018, SBI cheque No. 566559, Rs. 68,700/- dt. 9.9.2018, SBI cheque No. 566557, Rs. 45,020/- dt. 10.09.2018, total amount Rs. 6,96,608/-.for Renovation work of O/o RWS & S Division office, Vijayawada on nomination basis. But the E.E. did not pay the GST amount of 12 % of the total renovation works worth Rs. 6,96,608/- to him for onward paying the same 12% GST to Govt. ➢ He handed over DD No. 335581 dt. 6.5.2020 to EE as EMD for the work of the Drinking water pipe lane at Damuluru village, Ibrahimpatnam (M). but EE was not deposited in the official account in time, due to which PAO deducted the amount from him.
20.	Signed Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada. R/o D.No.67-46/1, TF1, Nalluri vari Street, Near NSM Public, School, Patamata, Vijayawada.	It discloses **about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division, Vijayawada etc. facts**
21.	Signed Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs,	It discloses **about Surprise Check conduated by ACB officials on 11.01.2021 and the other things**

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	Typist O/o EE, RWS & S, Project Division, Vijayawada, R/o D.No. 6-57, Moturu Road, Chowtapalli post, Gudivada (M), Krishna Dist. cell No. 9908318447	**that happened in O/o EE, RWS Division, Vijayawada etc. facts**
22.	Letter of Executive Engineer, RWS & S (P) Division, Vijayawada addressed a letter to The District Collector, Chairman & Managing Trustee, Vijayawada vide Letter No. Lr.No.A4/RWS & S/DMFT/2021, dt. 15-02-2021.	i. It reveals that the Executive Engineer, RWS & S (P), Division, Vijayawada requested the District Collector, Chairman & Managing Trustee, Vijayawada vide Letter No. Lr.No.A4/RWS & S/DMFT/2021, dt. 15-02-2021. duly submitted the three work bills which are under DMFT (**Distriat Mineral foundation Trust)** grant namely 1. Providing RO plant at Gopalapuram of A.Konduru Mandal, 2. Providing RO Plant at Kummarikuntla of A. Konduru Mandal, 3. Providing RO plant at NTR colony in Kachavaram Village of Ibrahimpatnam Mandal.

any documents found to be relevant will be furnished during the enquiry.

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ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGES AGAINST SMT. M. NAGESWARAMMA, THE SUPERINTENDENT, O/O ENGINEER-IN-CHIEF, VIJAYAWADA, ON OD BASIS

The following oral evidence is available on record.

S. No	Name and address of the witness	Gist of the statement
1.	Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District R/o F-6, Sangeeta Apartment, Near Babu Textiles, Gayatrinagar, Vijayawada- cell No. 9959587067, (Mediator-I).	They speak about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021 etc. facts.
2.	Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District R/o D.No.11-154, behind TIME Hospital, Kanuru, Penmaluru Mandal, Vijayawada Cell No. 9440105325 (Mediator-II).	
3.	Sri D.Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle, R/o Flat No.404-1, Jyothi Apartment, Ashramam street, opp: Akasavani, Labbipeta, Vijayawada Cell No. 9347843567.	**It discloses the violations/irregularities in the O/o EE, RWS Division Vijayawada and irregularities in the office records**
4.	Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Exeautive Engineer, RWS & S (Projects) Division, Vijayawada, R/o Rythupeta, Nandigama, NTR Dist. Cell No. 9440147970.	He corroborates LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects
5.	Sri Shaik Hussen Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (works) O/o Executive Engineer, Panahayath Raj & Rural Development, Vijayawada Division R/o Flat No. 404, Teja Grand Apartment, Housing Board Extension, Gunturu N/o Timmasamudram, Prakasam Dist. Aell No. 9948345990.	He corroborates LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects

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6.	Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV contractor, RWS & S Department, R/o D. No. 6-123/a, Near Hanuman Temple, Nidamanuru village, Vijayawada Rural, NTR Dist. Cell No. 9848632757.	He completed the renovation works of the office of the Executive Engineer, but nonpayment of GST amount of 12 % of the total renovation works worth Rs. 6,96,608/- to him for onward paying the same 12% GST to Govt., about not depositing the EMD amount of Rs. 10,700/- in the official account, he transferred the hand loan of Rs. 10 Lakhs to Govt. Servant which is received from the Contractor Ramanjaneyulu, Ongole.
7.	Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada. R/o D.No.67-46/1, TF1, Nalluri Vari Street, Near NSM Public, School, Patamata, Vijayawada.	He was present in the O/o EE on 11.01.2021, while Surprise Check along with their office staff Sri K.Nochan Kumar, Jr. Asst., Sri BVNSV Prasad, DAO, Sri E. Nanaharayya, AEE, Smt. M. Sravanthi, AEE, Smt K. Rajya Lakshmi, Typist, Smt. K. Anitha, Sr. Asst., AVN Saritha, Site Engineer, Sri Y. suneeth Kumar, DEO, Smt. T. Bharathi, DEO, Smt. K.Ramadevi, DEO, Sri Vanguru Yaswith and speak about the verification of records by ACB officials relating to "New SVS SA Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other official records and seizure of some records for their enquiry.
8.	Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada, R/o D.No. 6-57, Moturu Road, Ahowtapalli post, Gudivada (M), Krishna Dist. Cell No. 9908318447	She corroborates LW.10 Sri Potharlanka Rama Krishna
9.	Sri Ravi Kiran, Director, Veeraaya Techno Plast Pvt. Ltd, Rs.No. 491/1, Kolamuru, Rajanagaram (M), Rajahmundry, East Godavari Dist.	He speaks that the Tax invoices vide Nos.1215, 1221,1225, 1227, 1228, and 069 of the year 2018 are said to have been issued by Veeraaya Techno Plast Pvt. Ltd. not issued by their company to Bommineni Ramanjaneyulu, Ongole and Garapati Construations which were used in SVS, Kotturu Tadepalli, Vijayawada Rural. The authorized signature on the invoices is also not signed by him.

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10.	Sri Siyadri Sai Kumar S/o Narasimha Murthy, 28 yrs, Asst. Executive Engineer, Ragampeta, Rajamahendravaram Cirale. R/o D.No. 19-2-1/308, Kambala cheruvu, Rajahmundry. Cell No. 9491110030.	He speaks that on 24.10.2018, he verified the file of new SVS, Kothuru Tadepalli and made remarks in the note file as the quality control certificate was not enclosed and the asset handed-over certificate was not enclosed, the EOAT sanction was not accorded and forwarded the file to EE, RWS & S, Vijayawada Division etc., facts.
11.	Sri K. Happy Krupavandanam, Inspector-I, ACB, Vijayawada Range, Vijayawada	To speak to the facts about Surprise Check dated. 11-01-2021.
12.	Sri B.Srinivas, Dy. Supdt. of Poliae, AAB, Vijayawada Range, Vijayawada.	To speak to the facts about Surprise Check dated. 11-01-2021.
13.	Sri P. Sarath Babu, Dy. Supdt. of Police, ACB, Vijayawada Range, Vijayawada.	To speak to the facts about Surprise Check dated. 11-01-2021 and submitting Surprise Check Report and DACs, etc., facts.

If any witness is found to be relevant will be produced during the enquiry.

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SPEAIAL AHIEF SEARETARY TO GOVERNMENT

SECTION OFFICER